

AN ORDINANCE

99367

CLOSING, VACATING AND ABANDONING AN UNIMPROVED TWENTY (20')-FOOT WIDE ALLEY LOCATED BETWEEN CLAMP AND MANGO AVENUES, ADJACENT TO NCB 9373, IN COUNCIL DISTRICT 3, AS REQUESTED BY THE PETITIONERS AND OWNERS OF ABUTTING PROPERTY, RAMON R. AND DELFINA R. TEJEDA, ET AL; AND ACCEPTING A ONE HUNDRED (100%) REDUCTION OF THE TOTAL CLOSURE FEE OF \$3,825.00, AS REQUESTED BY COUNCILMAN RON H. SEGOVIA.

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WHEREAS, Ramon R. and Delfina R. Tejeda, et al ("Petitioners"), the abutting owners, have requested that the City of San Antonio close, vacate and abandon an unimproved 20-foot wide alley located between Clamp and Mango Avenues within NCB 9373, Block 103, adjacent to Lots 1 through 18, and 21 ("Subject Property"); and

WHEREAS, Petitioners have requested closure of the Subject Property in order to incorporate the Subject Property into their properties to remedy existing encroachments over the alley; and

WHEREAS, the Subject Property is surplus to the needs of the City of San Antonio and City staff has recommended that the City close, vacate and abandon the Subject Property in light of the alley being a residential alley that is no longer accessible and has not been accessible for a number of years and does not abut any vacant residential lots or any developable commercial property, and

WHEREAS, District 3 Councilman Ron H. Segovia has, by a Six Signature Memorandum, requested a 100% reduction of the \$3,825.00 closure fee; and

WHEREAS, Petitioners' request has been circulated through all interested City departments and utility agencies involved and the Petitioners have agreed to the conditions and/or restrictions imposed by the City Departments of Development Services, Planning, and Asset Management; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of June 9, 2004 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on June 24, 2004, approved the request to close, vacate and abandon the Subject Property, and has agreed to accept 100% reduction of the \$3,825.00 closure fee and waive collection by the City of such fee; **NOW THEREFORE;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The unimproved portion of a 20-foot wide alley located between Clamp and Mango Avenues within NCB 9373, Block 103, adjacent to Lots 1 through 18, and 21 is declared surplus to the needs of the City of San Antonio, Bexar County, Texas and closed, vacated and abandoned as City of San Antonio public right-of-way, as requested by the Petitioners, Ramon R. and Delfina Tejeda, et al, the abutting property owners of said lots. Such portion is shown and legally described on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes, including the legal description of the portion abutting Lots 1 through 18, and 21 and the names of each abutting owner of the lots is also shown on **Exhibit A**.

SECTION 2. A reduction of 100% of the \$3,825.00 total closure fee, including a \$288.00 posting fee and \$81.00 recording fees, is hereby accepted and waived, in lieu of the standard 25% reduction, in the average appraised values of land in the vicinity of this closure for the closing, vacating and abandoning of the alley normally charged by the City for such alley closure, such acceptance having been requested by District 3 Councilman Ron H. Segovia, by a Six Signature Memorandum, a copy of which Memorandum is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes.

SECTION 3. The closure of the alley is contingent on the Petitioners' agreeing to the conditions set forth in a Letter Agreement, a copy of which, signed by the Petitioners, is attached hereto as **Exhibit C** and incorporated herein verbatim for all purposes.

SECTION 4. The City Manager or a designee, is hereby authorized to execute any and all legal documents, deemed necessary by the City Attorney's Office, to facilitate the closing, vacating, and abandoning of this property, as requested by the abutting owners, Ramon R. and Delfina Tejeda, et al.

SECTION 5. No funds will be encumbered by this ordinance.

SECTION 6. This ordinance shall be effective on the 4th day of July, 2004.

PASSED AND APPROVED this 24th day of June, 2004.

ATTEST:

City Clerk

for M A Y O R
EDWARD D. GARZA

APPROVED AS TO FORM:

for City Attorney